

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

N. Leigh ANDERSON et al.

Group Art Unit: 1652

Serial No.: 09/585,475

Examiner: M. Walicka

Filed: 2 June 2000

For: PROTEIN MARKERS FOR PHARMACEUTICALS
AND RELATED TOXICITY**RESPONSE TO RESTRICTION REQUIREMENT**Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Response is in reply to the Restriction Requirement mailed 3 October 2001. Attached hereto and herein incorporated by reference is a Petition for Extension of Time for a three-month extension making the due date for response 4 February 2002, 3 February 2002 falling on a Sunday.

REMARKS

The Examiner identified 32 groups of claims in the Restriction Requirement.

Applicants elect with traverse Group I, claims 1-13.

As to the plurality of groups identified by the Examiner, Applicants note that many composition and use claims or compositions and method of making claims have been separated. However, many of the compositions and use thereof, or the compositions and methods of making same are linked as directed to the particular use of the composition or making a particular composition.

Also, Applicants note that often dependent claims are placed in a group separate from the independent claim to the dependent claim refers. A search of the genus (independent claim) necessarily would include a search of the species (dependent claim). An example would be claims 14 and 15.

Moreover, many groups are classified and subclassified in the same class and subclass. Therefore, that is clear indication that the search of the Examiner would be limited to a very restricted source.



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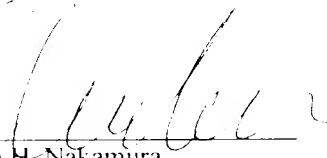
For example, at least 14 groups are classified in class 435, subclass 4. At least another 6 groups are classified in class 530, subclass 350. Moreover, at least another 5 groups are classified in class 530, subclass 300.

Also, it is noted that a plurality of groups are identified in a similar fashion and classified similarly. For example, Groups III and XIV are similar in subject matter, similar in classification and yet are placed in different groups.

The Examiner is respectfully requested to reconsider the unreasonable parsing of claims, collapse the existing Restriction Requirement and redefine the groups in a fashion wherein a greater number of similar claims are being examined in any one application and a more reasonable number of divisions will be required.

Favorable consideration is requested respectfully.

Respectfully submitted,



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Dated: 4 February 2002